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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,376	12/19/2001	Robert W. Droege	24-NS-6049	7708

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EXAMINER
KEITH, JACK W

ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.	Applicant(s)
09/683,376	Droege
Examiner	**Art Unit**
Jack Keith	3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jan 16, 2003* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above, claim(s) *7-25* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-6* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Election/Restriction

1. Newly submitted claims 20-25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Per MPEP § 806.05(i) where an application contains claims to a product (claims 12-19), claims to a process specifically adapted to making the product (claims 20-25), and claims to a process of using the product (claims 1-11) and the product claims are not allowable (i.e., not novel and nonobvious), restriction is proper between process of making and process of using. In this instant applicant may be required to elect either (A) the product (claims 12-19) and process of making it (claims 20-25); or (B) the process of using (claims 1-11).

Claims 12-19 and claims 1-11 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process for using the product as claimed can be practiced with another materially different product such as an electrical circuit breaker.

Accordingly, applicant's election of Paper no. 9 corresponds to group (B) above (the process of using (claims 1-11).

Note the restriction/election of Paper no. 7 further restricting the inventions. Applicant's election with traverse of invention I, species B and single ultimate species (first mode residual heat removal and second mode reactor core isolation cooling) corresponding to claims 1-6.

Since applicant has received an action on the merits for the originally presented invention, this invention (process of using) has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20-25 are withdrawn from consideration as being directed to a non-elected invention (process of making). See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

2. Applicant's arguments filed 1/16/2003 have been fully considered but they are not persuasive.

Applicant argues (see page 3, last paragraph) that the reference fails to show certain features of applicant's invention (i.e., mode of operation of the reactor plant), it is noted that the features upon which applicant relies (i.e., reactor plant operation (normal operation, emergency operation, etc.)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Hench discloses a safety monitoring system *capable* of meeting applicant's claimed inventive concept. Note that applicant's claims are broad. As such the interpretation of the claims set forth below reads on applicant's claims.

As previously set forth Hench discloses a method of operating a nuclear reactor power plant system in a first mode and switching from a first mode to a second mode without going to standby. These modes 1-6 are set forth on the display panel of figure 3, the modes comprising residual heat removal, reactor core isolation cooling, etc. During operation the monitoring of a first mode parameter (e.g., reactor core isolation cooling) is interrupted when a monitored second mode parameter (e.g., residual heat removal) interpreted through logic notifies the operator that an abnormal condition exists. The operator is then prompted to manually press a pushscreen button to change the method of operation of system from monitoring of the first mode to monitoring of the second mode. No standby mode exists, other than the time required for the operator to switch the modes.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Referring to Fischer et al (5,700,985) discloses a electrical interlock capable of being switched from a first mode to a second mode without a delay.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Keith whose telephone number is (703) 306-5752. The examiner can normally be reached on Monday through Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jwk

March 20, 2003

MICHAEL CARONE
SUPERVISORY PATENT EXAMINER